



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK

INFORMATION FOR PERSONS CONSIDERING BANKRUPTCY

Revised June 6, 2000

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INTRODUCTION

This booklet is provided by the Office of the Clerk, United States Bankruptcy Court, Eastern District of California. It has been prepared to respond to the questions frequently asked of Clerk's Office staff by non-lawyers. If you have a question that is not covered in this booklet and goes beyond an explanation of filing requirements, or would not be answered by hearing the text of a rule or statute without comment, it probably requires the giving of legal advice and therefore cannot be answered by Clerk's Office staff. Individuals are not required to have an attorney to file bankruptcy; however, the law in this area is sufficiently complex that most individuals find it desirable to obtain legal representation.

This booklet has been prepared with the assistance of the Clerk's Office Attorney Advisory Committee and the Sacramento County Bar Association Bankruptcy Section, and is not designed to instruct the reader on how to handle a bankruptcy proceeding without representation by a qualified bankruptcy attorney. It is recommended that any individual, corporation, or partnership considering the filing of a bankruptcy case first obtain the advice of a competent bankruptcy attorney. An initial consultation with a bankruptcy attorney is customarily available for a reasonable charge or for free.

Debtors filing bankruptcy without legal representation will be held responsible for knowing the requirements of the Bankruptcy Code and Federal Rules of Bankruptcy Procedure and will be given no special consideration by the court. You should be aware that missing a deadline, failing to perform a required task, or failing to respond properly to an action could result in the dismissal of your case, denial of discharge, or losing property which you might otherwise have been entitled to keep. Please note that the Clerk's Office is prohibited by law from providing legal advice. Debtors seeking assistance from bankruptcy petition preparers, including paralegals and typing services, are warned that such services are also prohibited by law from providing legal advice. Only an attorney may provide legal advice.

WARNING: BANKRUPTCY FRAUD IS A SERIOUS FEDERAL CRIME (18 U.S. CODE, §§ 152 - 155). PUNISHMENT CAN BE UP TO FIVE YEARS IN PRISON, AND A \$25,000 FINE. THE FBI INVESTIGATES ALLEGATIONS OF BANKRUPTCY FRAUD. WHEN IN DOUBT ABOUT WHETHER AN ASSET OR FACT NEEDS TO BE DISCLOSED, OR ABOUT WHETHER WHAT YOU INTEND TO DO IS LEGAL, CONSULT AN ATTORNEY FOR ADVICE.

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1. WHAT IS BANKRUPTCY?

Bankruptcy is a way for people or businesses who owe more money than they can pay right now, ("debtors"), to either work out a plan to repay the money over time in a chapter 11, chapter 12, or chapter 13 case, or wipe out ("discharge") most of their bills in a chapter 7 case. While either the debtor is working out a plan or the trustee is gathering the available assets to sell, the Bankruptcy Code provides that creditors must stop all collection efforts against the debtor. When the bankruptcy petition is stamped "Relief Ordered" upon filing, you are immediately protected from your creditors.

What chapter you choose to file under, what bills can be eliminated, how long payments can be stretched out, what possessions you can keep, and other details are controlled by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure. These are federal laws, which means they apply all over the United States. The Code and Rules are found in Title 11 of the United States Code. The various sections of the Bankruptcy Code are referred to throughout this booklet as "11 U.S.C. § ____."

2. WHO CAN START A BANKRUPTCY?

Any person, partnership, corporation or business trust may file a bankruptcy. If the person or entity who owes the money, referred to as the **debtor**, files a petition to start the bankruptcy, it is called a voluntary bankruptcy. If the people or entities owed the money, referred to as the **creditors**, file a petition against a person or an entity who owes them money to start the bankruptcy, it is called an involuntary bankruptcy. In an involuntary case, the debtor gets a chance to contest the petition and contend it should not be in bankruptcy. Voluntary cases can be filed under chapters 7, 9, 11, 12, and 13. Involuntary cases can only be filed under chapters 7 and 11. Certain types of entities, such as banks and insurance companies, may not be eligible to file bankruptcy, however, almost all other entities can file a bankruptcy. A business that is NOT a partnership, corporation or business trust, cannot file a separate bankruptcy on its own. Those assets and debts would be included in the personal bankruptcy of the owner(s).

3. WHAT IS A JOINT PETITION?

A joint petition is the filing of a single petition by an individual and the individual's spouse. Only people who are married on the date they file may file a joint petition. Unmarried persons, corporations and partnerships must each file a separate case. If you are an individual and have a business which is not a partnership, corporation or business trust, you should list the business as a "dba" (doing business as) on your petition. However, yours will not be considered a joint petition because the business is not an independently-recognized legal entity.

4. WHAT ARE THE DIFFERENT "CHAPTERS" IN BANKRUPTCY?

Chapter 7 is the liquidation chapter of the Bankruptcy Code. Chapter 7 cases are commonly referred to as "straight bankruptcy" or "liquidation" cases, and may be filed by an individual, corporation, or a partnership. Under chapter 7, a trustee is appointed to collect and sell all property that is not exempt and to use any proceeds to pay creditors. In the case of an individual, the debtor is allowed to claim certain property exempt.¹ In exchange for this, the debtor gets a discharge, which means that the debtor does not have to pay certain types of debts.² Corporations and partnerships do not receive discharges. Consequently, any individuals legally liable for the partnership's or corporation's debts will remain liable. Therefore, individual bankruptcies may be required as well as the corporation or partnership bankruptcy.

Chapter 9 is only for municipalities and governmental units, such as schools, water districts, and so on.

Chapter 13 is the debt repayment chapter for individuals with regular income whose debts do not exceed \$1,077,000 (\$269,250 in unsecured debts and \$807,750 in secured debts), including individuals who operate businesses as sole proprietorships. It is not available to corporations or partnerships. Chapter 13 generally permits individuals to keep their property by repaying creditors out of their future income. Each chapter 13 debtor proposes a repayment plan which must be approved by the court. The amounts set forth in the plan must be paid to the chapter 13 trustee who distributes the funds for a small fee. Many debts that cannot be discharged can still be paid over time in a chapter 13 plan. After completion of payments under the plan, chapter 13 debtors receive a discharge of most debts.

Chapter 12 offers bankruptcy relief to those who qualify as family farmers. There are debt limitations for chapter 12, and a certain portion of the debtor's income must come from the operation of a farming business. Family farmers must propose a plan to repay their creditors over a period of time from future income and it must be approved by the court. Plan payments are made through a chapter 12 trustee who also monitors the debtor's farming operations while the case is pending.

Chapter 11 is the reorganization chapter available to businesses and individuals who have substantial assets and/or income to restructure and repay their debts. Creditors vote on whether to accept or reject a plan of reorganization which must be approved by the court. While the debtor normally remains in control of the assets, the court can order the appointment of a trustee for cause, such as when the debtor does not get a plan approved in a reasonable amount of time, or fails to follow some of the rules, or breaks the law. In addition to the filing fee paid to the bankruptcy clerk, a quarterly fee is paid to the U.S. Trustee in all chapter 11 cases.

¹ Additional information about exempt property may be found in item 12.

² For additional information about discharges and dischargeable debts, please see items 19, 20, and 21.

There is no debt limit under chapter 11. However, only a chapter 11 debtor that qualifies as a small business may request expedited treatment under chapter 11. To qualify as a "small business," the debtor must be engaged in commercial or business activities, other than the ownership of real property, and the total of its secured plus unsecured debts must be less than \$200,000. Due to the expense and complexity of chapter 11, the decision to file a chapter 11 petition should be made in consultation with an attorney.

5. WHAT CHAPTER IS RIGHT FOR ME?

You have a choice in deciding which chapter of the Bankruptcy Code will best suit your needs. The decision whether to file a bankruptcy, and under which chapter to file depends on the particular circumstances of the debtor. In general, chapter 7 is appropriate when the debtor has insufficient income to pay all or most of his/her debts. Otherwise, if the debtor has an income or property and can afford to pay all or a substantial portion of his/her debts, chapter 11, 12, or 13 may be appropriate depending on whether the debtor is an individual, partnership, corporation, or family farmer.

These are only a few of the factors to consider, however. There is no way that a simple booklet such as this can spell out all the different things to be considered. Also, considering your personal facts, comparing them to each chapter's requirements, and deciding which chapter to select, would be giving legal advice. Clerk's Office staff, bankruptcy petition preparers, typing services and paralegals are prohibited by law from giving you legal advice. Only a lawyer can give you legal advice. Many lawyers charge a modest amount to help you and most will give you a free consultation, during which they will go over your circumstances and needs and tell you what you should do and how much it will cost for them to do it. There are also several "do it yourself" books that set out the details of each chapter and attempt to explain the bankruptcy process.

The decision whether to file a bankruptcy and under what chapter is an extremely important decision and should be made only with competent legal advice from an experienced bankruptcy attorney after a review of all of the relevant facts of the debtor's case.

6. WHERE CAN I GET MORE INFORMATION CONCERNING BANKRUPTCY AND BANKRUPTCY PROCEDURE? IS THERE ANY PLACE I CAN GET FREE OR LOW COST LEGAL ADVICE BEFORE I FILE?

The easiest way to get low or no-cost bankruptcy advice is to make an appointment with a private attorney. Many will provide a free initial consultation during which you can have your questions regarding bankruptcy procedures and their application to your situation answered.

McGeorge Law School operates a community legal service that represents low income bankruptcy clients on a space available basis. Services are provided by law students with attorney supervision. The McGeorge Community Legal Service phone number is (916) 739-7161.

Low-cost help in typing your petition and other forms is available from "bankruptcy petition preparers." "Paralegals" and "typing services" are considered bankruptcy petition preparers. Bankruptcy petition preparers are not attorneys. Likewise, they are not employed or supervised by attorneys and cannot represent you in your bankruptcy. Only a licensed attorney can give you legal advice. Bankruptcy petition preparation services are listed in the phone book.

7. WHAT SERVICES CAN A BANKRUPTCY PETITION PREPARER PROVIDE?

Bankruptcy petition preparers are permitted to provide services limited to the typing of forms and filing of documents. These services are subject to various statutory requirements and limitations. For example, the Bankruptcy Code requires a bankruptcy petition preparer, within ten (10) days after the date of the filing of the petition, to file a declaration under penalty of perjury disclosing compensation received from or on behalf of the debtor and any unpaid fee charged to the debtor. Additionally, the bankruptcy petition preparer is required to sign and print the preparer's name, address and social security number on all documents prepared for filing.

Local guidelines impose additional requirements and limitations on bankruptcy petition preparers in Eastern District of California bankruptcy cases. These guidelines give examples of what a bankruptcy petition preparer can't do, and limit the fee charged by a bankruptcy petition preparer for typing and filing a bankruptcy petition to **\$125.00**. Bankruptcy petition preparers are required to provide a copy of the guidelines, together with a *Notice to Debtor Concerning Bankruptcy Petition Preparers (Form EDC 3-350)*, to you before preparing your bankruptcy petition or accepting any money from you or on your behalf. If your petition is prepared by a bankruptcy petition preparer, you should sign and file the Notice with your bankruptcy papers.

Please note that although bankruptcy preparers are required to sign all documents prepared for filing, they are not authorized to sign any document on your behalf. Therefore, you (and if filing a joint petition, your spouse) must also sign all the documents. Copies of all prepared documents should be furnished to you by the bankruptcy petition preparer at the time they are presented to you for signature. Likewise, bankruptcy petition preparers are prohibited by law from collecting or receiving any court fees connected with the filing of your case. Consequently, all court fees connected with the filing of your case, including the filing fee, miscellaneous administrative fee, and chapter 7 trustee fee should be paid directly by you to the court.³ The failure of any bankruptcy petition preparer to comply with the law should immediately be brought to the attention of any trustee appointed in your case and the local Office of the United States Trustee.

³ For a discussion of court fees, please see item 15.

8. CAN THE CLERK'S OFFICE GIVE LEGAL ADVICE?

A bankruptcy case is a legal proceeding affecting the rights of debtors, creditors and other parties in interest. According to Canon 4(D) of the Code of Conduct for Judicial Employees, Clerk's Office staff should not engage in the practice of law. Additionally, 28 U.S.C. § 955 prohibits Clerk's Office staff from giving information which may be characterized as legal advice.

While there is no precise definition of legal advice, at a minimum it includes (1) acting on a person's behalf in presenting a claim or defense to a court, and (2) advising a person on the merits of a claim or defense and the state of the law applicable to it. Clerk's Office staff, therefore, will not provide information relating to:

- K The application of laws and rules to individual claims or defenses;
- K Whether jurisdiction is proper in a particular court;
- K Whether a complaint properly presents a claim;
- K What the "best" procedures are to accomplish a particular objective; or
- K The interpretation of case law.

Clerk's Office staff will not offer any opinion as to the probable disposition of any matter by the court. The information provided by Clerk's Office staff is limited to explaining the filing requirements of the court and reading, without comment, the actual text of a bankruptcy rule, local rule or statute.

9. WHAT DOES THE CLERK'S OFFICE DO?

The Clerk's Office provides a variety of services to the bankruptcy judges, attorneys and the public. Clerk's Office staff provide clerical and administrative support to the court by filing and maintaining case-related papers, issuing process and writs, signing ministerial orders, collecting authorized fees, sending notices, entering judgments and orders, and setting hearings. The services provided by the Clerk's Office to attorneys and the public include responding to requests for information and making copies of papers in bankruptcy court files.

Although Clerk's Office staff cannot give you legal advice, the U.S. Bankruptcy Court is a source for many forms and local rules which you will need to file your bankruptcy petition and related documents. Forms and local rules are also available on the U.S. Bankruptcy Court for the Eastern District of California's Internet web site, located at www.caeb.uscourts.gov.

10. WHAT DOCUMENTS DO I NEED TO START A BANKRUPTCY?

A complete list of the documents you may need to start a bankruptcy case under chapter 7, chapter 11, chapter 12 or chapter 13 of the Bankruptcy Code, the order in which the documents should be assembled, the number of copies to file, and the time you have to file them is set forth in Attachment 1, *Filing Requirements (Form EDC 2-035)*. Together, the documents

listed in Attachment 1 are commonly referred to as your "bankruptcy petition," although technically speaking, the petition is only Official Form B1.

The particular documents you must file will depend upon the chapter you are filing as well as your individual circumstances. For example, if you are not represented by an attorney and did not have any documents prepared by a bankruptcy petition preparer, you will not be required to file a *Disclosure of Compensation of Attorney for Debtor* (Form B203), a *Disclosure of Compensation of Bankruptcy Petition Preparer* (Form B280), a *Notice to Debtor Concerning Bankruptcy Petition Preparers* (Form EDC 3-350), or a Master Address List on diskette. Likewise, only individual, chapter 7 debtors whose schedules of assets and liabilities include consumer debts are required to file a *Statement of Intention* (Form B8). Similarly, a *List of 20 Largest Unsecured Creditors* (Form B4) is required in chapter 11 cases only, and *Exhibit "A" to Voluntary Petition* (Form B1, Exh. A) should be completed and attached to the voluntary petition only if the debtor is required to file periodic reports with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is filing a chapter 11 case.

Some locally required forms are intended for use in specific divisions of the court only. Any form which contains the name of a specific division, or divisions, in the heading is intended for use in that division, or those divisions, **ONLY**. For example, according to General Order 00-02, *In re Chapter 13 Cases*, a form *Chapter 13 Plan* (Form EDC 3-080) and form *Order Confirming Plan, Valuing Collateral and Avoiding Liens* (Form EDC 3-081) are **REQUIRED** for use in **Sacramento and Modesto Division chapter 13 cases ONLY**. And while they **MAY** be used in Fresno Division Department A (Judge Rimel) chapter 13 cases, their use is **NOT ALLOWED** in **Fresno Division Department B (Judge Dorian) chapter 13 cases**.⁴ Similarly, all chapter 13 debtors must file a *Wage Order*. Debtors in Fresno Division chapter 13 cases must use **Wage Order Form I-24.FM** and submit it to the Clerk's Office for filing with their bankruptcy petition, or within 15 days. But, debtors in Sacramento and Modesto Division chapter 13 cases must use **Wage Order Form EDC 3-083** and submit it to the Chapter 13 Trustee with their proposed Order Confirming Plan (Form EDC 3-081) at their section 341 meeting of creditors.

If you need to start your case quickly, you can file only those documents designated in Attachment 1, *Filing Requirements* (Form EDC 2-035) as the "*Minimum Documents Required For Incomplete (Skeleton) Filing*." The remaining documents must be filed within the times indicated in Attachment 1. If you file an incomplete (skeleton) case, your failure to timely file all required documents or to seek an extension of time to do so may result in dismissal of your case, denial of your discharge, or the imposition of sanctions against you.

⁴ Debtors contemplating the filing of a Chapter 13 case in the Fresno Division should contact their attorney or the Fresno Division Standing Chapter 13 Trustee, E. Nelson Enmark (559-277-3995), for advice on the content and form of chapter 13 plans required in Fresno Division Department B (Judge Dorian).

A bankruptcy petition forms package containing all the forms listed in Attachment 1 is available without charge on our Internet web site, located at www.caeb.uscourts.gov. Copies of the forms package may also be purchased for \$3.00 at all divisional Clerk's Offices. Bankruptcy forms sets containing only the Official Bankruptcy Forms listed in Attachment 1 are available for purchase at local stationery stores. All locally required forms are available at the Clerk's Office and on our Internet web site.

Tips For Completing Forms

- a. Type the information on the forms, if possible. All forms should be legible, 8 ½ by 11 inches in size and printed on one side only.
- b. Put a response to every question. If your answer to a question is "none," and there is no "none" box to check, put "N/A." Use continuation pages when you run out of room. Sign each form where required. If filing a joint case, make sure that your spouse signs, too.
- c. Prepare your Master Address List according to the *Revised Guidelines for Preparation of Master Address Lists (Form EDC 2-190)* and the *Revised Diskette Master Address List Specifications (Form EDC 2-195)* found in Attachment 2. The Clerk's Office scans and uses optical character recognition to process printed Master Address Lists. If you do not type your Master Address List and follow the instructions exactly, the scanner will not be able to read the names and addresses properly. Likewise, to insure their compatibility with the court's case processing system, Master Address Lists on diskette must be prepared according to specifications.
- d. Make sure that you have the number of copies indicated in Attachment 1, *Filing Requirements (Form EDC 2-035)*. Assemble original forms and all sets of copies in the order set forth in Attachment 1.

11. HOW DO I KNOW IF A DEBT IS SECURED, UNSECURED, PRIORITY OR ADMINISTRATIVE SO I CAN FILL OUT MY SCHEDULES CORRECTLY?

A. Secured Debt

A secured debt is a debt that is backed by property. A creditor whose debt is "secured" has a right to take property to satisfy a "secured debt." For example, most homes are burdened by a "secured debt." This means that the lender has the right to take the home if the borrower fails to make payments on the loan. Most people who buy new cars give the lender a "security interest" in the car. This means that the debt is a "secured debt" and that the lender can take the car if the borrower fails to make payments on the car loan.

B. Unsecured Debt

A debt is unsecured if you have simply promised to pay someone a sum of money at a particular time, and you have not pledged any real or personal property to collateralize that debt.

C. Priority Debt

A priority debt is a debt entitled to priority in payment, ahead of most other debts, in a bankruptcy case. A listing of priority debts is given, in general terms, in 11 U.S.C. § 507 of the Bankruptcy Code. Examples of priority debts are some taxes, wage claims of employees, debts related to goods and services provided to a debtor's estate during the pendency of a bankruptcy case, and alimony, maintenance or support of a spouse, former spouse, or child. If you have questions deciding which of your debts are entitled to priority status, you should consult an attorney.

D. Administrative Debt

An administrative debt is also a priority debt and is one created when someone provides goods or services to your bankruptcy estate. The best example of an administrative debt is the fee generated by an attorney or other authorized professional in representing the bankruptcy estate.

12. WHAT ARE EXEMPTIONS?

11 U.S.C. § 522(b) allows an individual debtor to exempt real, personal, or intangible property from the property of the estate. Exempt assets are protected by state law from distribution to your creditors. The exemptions allowed under California state law, and the dollar amounts of those exemptions, are listed in sections 703 and 704 of the California Code of Civil Procedure. Typically, exempt assets include jewelry, vehicles up to a certain dollar amount, the equity in your home up to a certain amount, and tools of the trade. Under bankruptcy law, you are entitled to list the assets set forth in sections 703 or 704 of the California Code of Civil Procedure as exempt.

Exemptions are claimed on Schedule C. As with all schedules, it is important to fully complete and provide all the information requested. If no one objects to the exemptions you have listed within the time frame specified by the bankruptcy court, these assets will not be a part of your bankruptcy estate and will not be used to pay creditors through your bankruptcy case unless you choose to sell the assets and pay the money received into your bankruptcy.

Deciding which assets are exempt and how and if you can protect these assets from your creditors can be one of the more important and difficult aspects of your bankruptcy case. It is extremely important to consult an attorney if you have any questions regarding the issue of exempt assets.

13. WHERE DO I FILE MY BANKRUPTCY CASE?

The bankruptcy court is a federal court. The federal court system divides the United States into judicial districts. Every state has at least one federal judicial district. Many have more. In California, for example, there are four federal judicial districts. This is the Eastern District of California. Due to its size, the U.S. Bankruptcy Court for the Eastern District of California has been split into three divisions, each with a fully staffed Clerk's Office. All three divisional Clerk's Offices are open from 9:00 a.m. until 4:00 p.m. on all days except Saturdays, Sundays and legal holidays. The street addresses, public telephone numbers, and mailing addresses for each divisional office are indicated below.

Sacramento Division

U.S. Bankruptcy Court
501 I Street, Suite 3-200
Sacramento, CA 95814-2322
(916) 930-4400

Mailing Address:

Same as street address.

Modesto Division

U.S. Bankruptcy Court
1130 12th St., Suite C
Modesto, CA 95354
(209) 521-5160

Mailing Address:

P.O. Box 5376 *(for claims only)*
Modesto, CA 95352

and

P.O. Box 5276 *(for all other correspondence)*
Modesto, CA 95352

Fresno Division

U.S. Bankruptcy Court
2656 U.S. Courthouse
1130 O Street
Fresno, CA 93721
(559) 498-7217

Mailing Address:

Same as street address.

Although there is a bankruptcy court in Bakersfield, where bankruptcy hearings are periodically held, there is no staffed Clerk's Office in Bakersfield.

As a general rule, you should file your bankruptcy case in the bankruptcy court for the federal judicial district where you have lived for the greater part of the previous 180 days. You can also file in the district where your principal place of business has been located during the previous 180 days or where the principal assets have been located for that period.

The Eastern District of California covers the 34 counties in northern California indicated below. If your residence, principal place of business or principal assets have been located in one or more of these counties for the necessary period of time, you should file your case in the U.S. Bankruptcy Court for the Eastern District of California. The specific county of your residence, principal place of business or principal assets determines in which of the Eastern District of California's three divisions your case should be filed.

Sacramento Division: Petitions from Alpine, Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sutter, Tehama, Trinity, Yolo, and Yuba counties and the Postal Zip Codes of 95220, 95227,

95234, 95237, 95240, 95241, 95242, 95253, 95258, and 95686 within San Joaquin County, shall be filed in the Sacramento Division.

Modesto Division: Petitions from Calaveras, Stanislaus, and Tuolumne counties, and all Postal Zip Codes within San Joaquin County except those designated above for filing in the Sacramento Division, shall be filed in the Modesto Division.

Fresno Division: Petitions from Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, and Tulare counties shall be filed in the Fresno Division.

14. HOW DO I "FILE" A DOCUMENT WITH THE COURT?

Bankruptcy petitions, pleadings and other papers may be submitted for filing by mail or in person at the Clerk's Office public counters. In the Sacramento and Fresno Divisions, documents may additionally be tendered for filing by placing them in a document depository. In Sacramento, the document depository is located outside the entrance to the courthouse at 501 I Street. The Sacramento Division's document depository is accessible twenty- four hours per day, seven days per week. The Fresno Division's document depository is located outside the entrance to the Clerk's Office (Room 2656) on the second floor of the courthouse at 1130 O Street. In Fresno, the document depository is accessible between the hours of 6:00 a.m. and 5:30 p.m., Monday through Friday (except legal holidays).

Instructions concerning the use of the document depositories are as follows:

- a. All documents tendered for filing in the depository must be in compliance with all local rules and the Federal Rules of Civil and Bankruptcy Procedure, as appropriate.
- b. In order for your document to reflect the accurate date of filing, you must use the time-clock stamp machine, located in the top left slot of the depository, to "RECEIVED" stamp the back side of the last page of each original document and any accompanying copies.
- c. The "FILED" date of the document will be the same day as the "RECEIVED" date stamped on the back side of the last page unless the "RECEIVED" date falls on a weekend or federal holiday. In those instances, the "FILED" date will be the first court day following the weekend or holiday. These procedures will apply only if the tendered document meets all other applicable rules and conditions.
- d. After "RECEIVED" stamping all documents and copies, they must be placed in a sealed envelope and deposited in the Bankruptcy Court depository slot.

Absent extraordinary circumstances, all documents must be submitted for filing by mail, at a Clerk's Office public counter during business hours, or by placing them in a document depository. When extraordinary, compelling circumstances require delivery of a document to the Clerk's Office after hours, an emergency filing can be arranged by contacting the appropriate divisional Clerk's Office during business hours. The Clerk's Office does not accept documents for filing by facsimile.

After completing, assembling, and copying your bankruptcy papers, mail or deliver the originals and required copies to the appropriate divisional Clerk's Office with your filing fee payment or a completed application to pay fees in installments. The Clerk's Office will conform one copy and return it to you. If your petition is submitted for filing by mail or by placing it in a document depository, please include a self-addressed, stamped envelope of sufficient size for return of your conformed copy.

15. HOW MUCH ARE THE COURT FEES TO FILE A BANKRUPTCY?

The fees for filing petitions under all chapters of the Bankruptcy Code are indicated on Attachment 1, *Filing Requirements (Form EDC 2-035)*. In addition to the filing fee, the court charges a \$15 trustee fee in chapter 7 cases and a \$30.00 miscellaneous administrative fee in all cases.

You must pay the required fees regardless of your income. If you cannot come up with the full amount at the time of filing, you may pay the required fees in up to four installments over a period of one hundred twenty (120) days. To do so, you must complete an application to pay fees in installments and submit it with your petition. Application forms are available at each divisional Clerk's Office, as well as on our Internet web site at www.caeb.uscourts.gov.

You cannot apply to pay in fees installments if you have already paid an attorney, a bankruptcy petition preparer, or anyone else to help you with your bankruptcy. Additionally, you cannot pay anyone for help with your case until all installments have been paid.

The Clerk's Office does not accept personal checks. All installment payments should be made in the division where the petition was filed, by cash or cashier's check, certified check, or money order payable to "Clerk, U.S. Bankruptcy Court." For your protection, do not send cash in the mail.

16. WHAT HAPPENS AFTER I FILE BANKRUPTCY?

Upon filing the original petition with the Clerk's Office, the court's restraining order, called the automatic stay, immediately takes effect and prohibits all creditors from taking any collection action against the debtor or the debtor's property. Although the stay is automatic, creditors need to be advised of the stay. The court issues a notice to all creditors advising them of the filing of the bankruptcy, the case number, the automatic stay, the name of the trustee assigned to the case (if filed under chapter 7, 12, or 13), the date set for the meeting of creditors, the deadline, if any, set for filing objections to the discharge of the debtor and/or the

dischargeability of specific debts, and whether and where to file claims. The exact information in the notice differs depending on the chapter under which the case is filed.

In a chapter 7 case involving an individual debtor, the creditors generally have sixty (60) days from the first date set for the meeting of creditors to object to the discharge of the debtor and/or the dischargeability of a specific debt. If the deadline passes without any objections to the debtor's discharge being filed, the court will issue the discharge order. If any objections to the dischargeability of specific debts are filed, they will be heard by the court, but will not delay the granting of a discharge with respect to other debts. An objection to discharge or to the dischargeability of certain debts is considered a separate lawsuit (an adversary proceeding) within the bankruptcy and may result in a trial before the judge assigned to the case. Corporate and partnership chapter 7 debtors do not receive discharges. If there are no assets from which a dividend can be paid, the trustee will prepare a report of no distribution and the case will be closed. If there are assets that are not exempt, funds will be available for distribution to creditors. The court will set claims deadlines and notify all creditors to file their claims. The trustee will proceed to collect the assets, liquidate them and distribute the proceeds to creditors. When the assets have been completely administered, the court will close the case.

In a chapter 13 case, creditors are given an opportunity to object to the plan. If no objection is filed by creditors or the trustee, the plan may be confirmed as filed. Once the plan is confirmed, the trustee will distribute the proceeds of the debtor's plan payments to creditors until the debtor completes the plan or the court dismisses or converts the case. Upon completion of the chapter 13 plan, the court will issue a discharge order, the trustee will prepare a final report, and the case will be closed.

In a chapter 12 case, the confirmation hearing must be concluded within forty-five (45) days of filing the plan. The court may consider dismissal of the case if a plan is not confirmed.

In a chapter 11 case, a debtor's conference is held with the United States Trustee's staff before the creditors' meeting. At the debtor's conference, the United States Trustee will go over the responsibilities and restrictions on the debtor-in-possession, explain the quarterly fees and monthly operating reports, and generally discuss the financial situation of the debtor and the scope of the anticipated plan of reorganization. A disclosure statement must be filed with the plan and approved by the court before votes for and against the plan can be solicited. After the estate has been fully administered, the court enters a final decree closing the case. A chapter 11 estate may be considered fully administered and closed before the payments required by the plan have been completed.

17. WHAT IS A BANKRUPTCY TRUSTEE? WHO IS THE UNITED STATES TRUSTEE? WHAT IS THE DIFFERENCE?

In all chapter 7, 12, 13 and in some chapter 11 cases, a case trustee is assigned. In chapter 7 cases they are called "Panel Trustees." In chapter 12 and 13 cases they are called

"Standing Trustees." The trustee's job is to administer the bankruptcy estate, to make sure creditors get as much money as possible, and to run the first meeting of creditors (also called the "section 341 meeting" because 11 U.S.C. § 341 of the Bankruptcy Code requires that the meeting be held). The trustee either collects and sells non-exempt estate property, as in a chapter 7 case, or collects and pays out money on a repayment plan, as in a chapter 13 case. The trustee can require you to provide, under penalty of perjury, information and documents, either before, after, or at the meeting or creditors. You should always cooperate with the trustee, since failure to cooperate with the trustee could be grounds to have your discharge denied. Trustees are not necessarily lawyers, and they are not paid by the court. They are appointed by the United States Trustee. Trustees report to the court, but their fees come out of the bankruptcy filing fee or as a percentage of the money distributed in the bankruptcy.

The United States Trustee's Office is part of the U.S. Department of Justice, and is separate from the court. The United States Trustee's Office is a watchdog agency, charged with monitoring all bankruptcies, appointing and supervising all trustees, and identifying fraud in bankruptcy cases. The United States Trustee's Office cannot give you legal advice, but they can give you information about the status of a case, and you can contact them if you are having a problem with a trustee, or if you have evidence of any fraudulent activity. In monitoring cases, the United States Trustee reviews all bankruptcy petitions and pleadings filed in cases, and participates in many proceedings affecting the case, but they do not administer the case themselves. They can bring motions in the bankruptcy, such as ones to dismiss the case, or to deny the debtor's discharge.

18. WHAT IS THE CREDITORS' MEETING? WHAT CAN I EXPECT WILL HAPPEN AT IT?

A "meeting of creditors" is the single hearing all debtors must attend in any bankruptcy proceeding. It is held outside the presence of the judge and usually occurs between twenty (20) and forty (40) days from the date the original petition is filed with the court. In chapter 7, chapter 12, and chapter 13 cases, the trustee assigned by the court on behalf of the United States Trustee conducts the meeting. In chapter 11 cases where the debtor is in possession and no trustee is assigned, a representative of the United States Trustee's office conducts the meeting.

The meeting permits the trustee or representative of the United States Trustee's Office to review the debtor's petition and schedules with the debtor face-to-face. The debtor is required to answer questions under penalty of perjury concerning the debtor's acts, conduct, property, liabilities, financial condition and any matter that may affect administration of the estate or the debtor's right to discharge. This information enables the trustee or representative of the United States Trustee's Office to understand the debtor's circumstances and facilitates efficient administration of the case. Additionally, the trustee or representative of the United States Trustee's Office will ask questions to ensure that the debtor understands the positive and negative aspects of filing for bankruptcy.

The meeting is referred to as the "meeting of creditors" because creditors are notified that they may attend and question the debtor about the location and disposition of assets and any other matter relevant to the administration of the case. However, creditors rarely attend these meetings and, in general, are not considered to have waived any of their rights by failing to appear. The meeting usually lasts only a few minutes and may be continued if the trustee or representative of the United States Trustee's Office is not satisfied with the information provided by the debtor. If the debtor fails to appear and provide the information requested at the meeting, the trustee or representative of the United States Trustee's Office may request that the bankruptcy case be dismissed or that the debtor be ordered by the court to cooperate or be held in contempt of court for willful failure to cooperate.

19. WHAT IS A DISCHARGE?

The discharge order is issued by the court and permanently prohibits creditors from taking action to collect dischargeable debts against the debtor personally; this does not prevent secured creditors from seizing collateral if payments are not kept up, or other creditors from pursuing property of the estate. Some debts are not dischargeable, and others may be found to be non-dischargeable depending on particular circumstances.

In a chapter 7 case, the bankruptcy court will order that the debtor be discharged of all dischargeable debts once the time for filing complaints objecting to discharge has expired unless:

- K** The debtor is not an individual; **or**
- K** A complaint objecting to the debtor's discharge has been filed; **or**
- K** The debtor has filed a waiver of discharge.

In chapter 11 cases, the confirmation of a plan of reorganization discharges the debtor from dischargeable debts that arose before the date of the order of relief unless:

- K** The plan or order confirming plan provides otherwise; **or**
- K** The plan is a liquidating plan and the debtor would be denied a discharge in a chapter 7 case under 11 U.S.C. § 727.

In chapter 12 and chapter 13 cases, the court will order that the debtor is discharged of dischargeable debts after the debtor has completed all payments under the plan, or prior to plan completion, after notice and hearing, if the requirements of 11 U.S.C. §§ 1228(b) or 1328(b) have been met.

The granting of a discharge does not automatically result in the closing of a case. All contested matters, adversary proceedings, and appeals must be resolved and the appointed trustee or debtor-in-possession must file a final report and account and request entry of a final decree before the Clerk's Office will close the case.

20. WHAT DEBTS ARE DISCHARGEABLE?

All debts are dischargeable except for those listed in 11 U.S.C. § 523. In a chapter 13 case, even more debts may be discharged if the debtor obtains a discharge under 11 U.S.C. §1328(a). The non-dischargeable debts listed in § 523 include:

- K** Certain taxes and fines;
- K** Debts created through fraudulent conduct or by providing false information to a creditor;
- K** Debts not listed in your bankruptcy petition;
- K** Alimony, child maintenance or support, and certain debts arising out of a divorce decree or separation agreement;
- K** Debts from willful and malicious injury to another;
- K** Government guaranteed student loans due within seven (7) years before filing your bankruptcy;
- K** Debts caused by the death or a personal injury related to the operation of a motor vehicle while you were intoxicated; **and**
- K** Post bankruptcy condominium or cooperative owners' association fees.

This list includes many examples of non-dischargeable debts but you should review 11 U.S.C. § 523 for a complete list.

Some debts listed in 11 U.S.C. § 523, such as those based on fraudulent conduct, embezzlement or willful and malicious injury to another, are discharged unless a complaint to deny discharge of that debt is timely filed with the bankruptcy court. Ordinarily, these complaints must be filed within sixty (60) days of the first date set for the meeting of creditors.

Additionally, debts that were not listed on your bankruptcy schedules or that were incurred after you filed bankruptcy are generally not discharged.

21. WHAT IS THE DIFFERENCE BETWEEN A DENIAL OF DISCHARGE AND A DEBT BEING NON-DISCHARGEABLE?

A discharge can be denied by the court either for one particular debt or for all debts. For a discharge to be denied, either as to a particular debt or as to all debts, someone must file an adversary proceeding (lawsuit) with the court.

In a lawsuit to deny the discharge as to all debts, the person who brings the action must prove to the court that the debtor did one of the following: (1) transferred, concealed, removed, destroyed or mutilated property of the debtor, (within one year before the bankruptcy was filed) or after the bankruptcy was filed, or (2) concealed, destroyed, mutilated, falsified, or failed to keep and preserve books and records about the debtor's financial condition or business transactions, or (3) the debtor made a false statement while under oath, (in writing or orally),

or (4) failed to turn over books and records, or (5) failed to explain the loss of assets, or (6) had received a previous bankruptcy discharge within six (6) years.

To deny the discharge as to one debt only, the creditor must prove that the debtor (1) got the money or thing by making false representations, false pretenses or actual fraud, or (2) used a materially false statement about his financial condition, the creditor relied on.

22. WHAT DOES IT MEAN IF A CASE IS DISMISSED?

A dismissal order ends the case. Upon dismissal the "automatic stay" ends and creditors may start to collect debts, unless a discharge is entered before the dismissal and is not revoked. An order of dismissal itself will not free the debtor from any debt. Often, a case is dismissed when the debtor fails to do something he/she must do (such as show up for the creditors' meeting, answer the trustee's questions honestly, produce books and records the trustee requests), or if it is in the best interests of the creditors. Unless the debtor appeals the order or seeks reconsideration of the order within ten (10) days after entry of the order, the Clerk will automatically close the case.

23. WHAT IS A REAFFIRMATION AGREEMENT?

A reaffirmation agreement is an agreement by which a bankruptcy debtor becomes legally obligated to pay all or a portion of an otherwise dischargeable debt. Such an agreement must generally be filed within sixty (60) days after the first date set for the meeting of creditors.

If the reaffirming debtor is represented by an attorney, the agreement is filed with an affidavit of the attorney which complies with 11 U.S.C. § 524(c)(3). No hearing for approval of such an agreement is necessary. If the reaffirming debtor is not represented by an attorney, the debtor or creditor must file an application for approval of the agreement, along with a request for hearing. An order approving the agreement should be brought to the hearing. You must appear in person at the hearing. The judge will ask you questions to determine whether the reaffirmation agreement imposes an undue burden on you or your dependents and whether it is in your best interests. Since reaffirmed debts are not discharged, the bankruptcy court will normally only reaffirm secured debts where the collateral is important to your daily activities.

Reaffirmation agreements are strictly voluntary. They are not required by the Bankruptcy Code or other state or federal law. You can voluntarily repay any debt instead of signing a reaffirmation agreement, but there may be valid reasons for wanting to reaffirm a particular debt.

Since a reaffirmation agreement takes away some of the effectiveness of your discharge, legal counsel is advisable before agreeing to a reaffirmation. Even if you sign a reaffirmation agreement, you have a minimum of sixty (60) days after the agreement is filed with the court

to change your mind. If your discharge date is more than sixty (60) days after the agreement is filed with the court, you have until your discharge date to change your mind. If you reaffirm a debt and fail to make the payments as agreed, the creditor can take action against you to recover any property that was given as security for the loan and you may remain personally liable for any remaining debt.

24. WHAT IS REDEMPTION?

Redemption allows an individual debtor (not a partnership or a corporation) to keep tangible, personal property intended primarily for personal, family, or household use by paying the holder of a lien on the property the amount of the allowed secured claim on the property, which typically means the value of the property. Otherwise, in order to retain the property, the debtor would have to pay the entire amount of the secured creditor's debt, do a reaffirmation agreement and become legally obligated on the debt again. The property redeemed must be claimed as exempt or abandoned.

With redemption, a debtor can often get liens released on personal household possessions for much less than the underlying debt on those secured possessions. Unless the creditor consents to periodic payments, redemption must generally be made in one lump sum payment to the creditor. If the debtor and creditor agree to the redemption, just a consent order of redemption is required. If the redemption is opposed, a motion for redemption and a request for hearing should be filed.

25. WHAT ARE CLAIMS AND CLAIMS OBJECTIONS? HOW ARE CLAIMS FILED?

A. *Claims*

In the broadest sense, a claim is any right to payment held by a person or company against you and your bankruptcy estate. A claim does not have to be a past due amount but can include an anticipated sum of money which will come due in the future. In filling out your Schedules, you should include any past, present or future debts as potential claims.

B. *Claims Objections*

You are entitled to object to any claim filed in your bankruptcy case if you believe the debt is not owed or if you believe the claim misrepresents the amount or kind of debt (e.g. secured or priority) which you owe. In some circumstances, an objection to claim can be initiated by filing a motion in the bankruptcy court; in other circumstances, it must be initiated by filing an adversary proceeding (like a lawsuit in your bankruptcy case). If you anticipate objecting to claims, you should seek the advice of an attorney as soon as possible since the objection process can be complicated and time sensitive.

C. Filing of Claims

The written statement filed in a bankruptcy case setting forth a creditor's claim is called a proof of claim. The proof of claim should include a copy of the obligation giving rise to the claim as well as evidence of the secured status of the debt if the debt is secured. Under the Federal Rules of Bankruptcy Procedure, with limited exceptions, claims filed by creditors, except governmental units, in chapter 7, 12 and 13 cases must be filed within ninety (90) days after the first date set for the meeting of creditors. Claims of governmental units must be filed within one hundred eighty (180) days of the date the petition was filed. In the Eastern District of California, the ninety (90) day and one hundred eighty (180) day deadlines also apply, by local rule, to the filing of claims by creditors in chapter 11 cases. If a creditor files a claim after the specified deadline, you may object to the claim as being untimely filed.

For purposes of obtaining your discharge, it may be important for you to file a claim on behalf of a creditor if that creditor should fail to do so. Under the Federal Rules of Bankruptcy Procedure, you (or in chapter 7 and some 11 cases, the trustee) may file a proof of claim on behalf of a creditor within thirty (30) days after the last day for filing claims.

26. WHAT CAN I DO IF A CREDITOR KEEPS TRYING TO COLLECT MONEY AFTER I HAVE FILED BANKRUPTCY?

If a creditor continues to attempt to collect a debt after the bankruptcy is filed in violation of the automatic stay, you should immediately notify the creditor in writing that you have filed bankruptcy, and provide them with either the case name number and filing date, or a copy of the petition that shows it was filed. If the creditor still continues to collect, the debtor may be entitled to take legal action against the creditor to obtain a specific order from the court prohibiting the creditor from taking further collection action and, if the creditor is willfully violating the automatic stay, the court can hold the creditor in contempt of court and punish the creditor by fine or incarceration. Any such legal action brought against the creditor will be complex and will normally require representation by a qualified bankruptcy attorney.

27. HOW DO I CHANGE OR CORRECT INFORMATION IN THE PETITION, SCHEDULES AND STATEMENTS I ALREADY FILED WITH THE CLERK'S OFFICE?

The information contained in your petition, schedules, and statement of affairs is submitted under penalty of perjury. Therefore, you must be certain that it is correct when you sign these documents. If, however, you later discover that something is inaccurate, the documents may be corrected by the filing of an amendment with the Clerk's Office. New schedules or statements must be filed showing the corrected information along with an amendment cover sheet which may be obtained from the Clerk's Office and is available on our Internet web site, located at www.caeb.uscourts.gov. A fee of \$20.00 must be paid when adding creditors to schedules and/or Master Address Lists. The amendment cover sheet contains certain

instructions which must be strictly followed in order for the amendment to be processed properly. All amendments must be served upon the United States Trustee and case trustee, and certain amendments must be served upon the creditors affected by the amendment.

28. WHAT SHOULD I DO IF I CANNOT MAKE MY CHAPTER 13 PAYMENT?

If the debtor cannot make a chapter 13 payment on time according to the terms of the confirmed plan, the debtor should contact the trustee by phone and by letter advising the trustee of the problem and whether it is temporary or permanent. If it is a temporary problem and the payments can be made up, the debtor should advise the trustee of the time and manner in which the debtor will make up the payments. Significant changes in the debtor's circumstances may require that the plan be formally modified. If the problem is permanent and the debtor is no longer able to make payments to the plan, the trustee will request that the case be dismissed or converted to another chapter. The determination of whether to modify, dismiss or convert a case requires the same kind of analysis as is needed for the initial decision whether to file bankruptcy and under what chapter. Therefore, the debtor should seek counsel from a qualified bankruptcy attorney before attempting to make such a decision. If the debtor delays making a voluntary decision and cannot make the plan payments, the court may dismiss the case.

29. MY EX-SPOUSE HAS FILED BANKRUPTCY. HE/SHE HAS LISTED ME AS A CO-SIGNER ON A SCHEDULED DEBT. WHAT CAN I DO? DOES MY DIVORCE DECREE PROTECT ME?

If you are a co-obligor with your ex-spouse on a debt, the creditor can require the entire payment of that debt from your share of the community property even though the divorce decree assigns the debt to your ex-spouse. Depending on the terms of your divorce decree, you may be able to have certain support obligations under it determined to be non-dischargeable by the bankruptcy court or in state court. You should seek legal advice for a thorough explanation of your rights and obligations in this area as soon as you find out that your ex-spouse has filed a bankruptcy.

30. HOW MANY YEARS WILL A BANKRUPTCY SHOW ON MY CREDIT REPORT? HOW LONG WILL IT TAKE BEFORE I CAN GET CREDIT?

The bankruptcy petition, schedules and plan are public documents and are available to the general public for viewing. Credit reporting agencies regularly collect information from the petitions filed and report the information on their credit reporting services. Bankruptcies normally will remain on your credit report for up to ten (10) years and may be taken into consideration by any person reviewing a credit report for the purpose of extending credit in the future. The decision whether to grant you credit in the future is strictly up to the creditor and varies from creditor to creditor depending on the type of credit requested. There is no law

which prevents anyone from extending credit to you immediately after the filing of a bankruptcy nor are creditors required to extend you credit. The best way for you to obtain credit in the future is to generate an adequate and regular income and pay all of your financial obligations in a timely and responsible manner. Many creditors will not deal with you in the future unless you have already established credit with someone else and demonstrate that you are a reliable debtor. In general it is recommended that, after the filing of a bankruptcy, one learn to live within his/her income and not request credit which is not absolutely necessary.

31. HOW CAN I GET INFORMATION ABOUT A CASE?

Case information may be obtained by using one of the court's automated case information systems, or by telephoning, writing, or visiting the Clerk's Office.

A. *Obtaining Case Information From an Automated Case Information System*

To permit you around-the-clock access to case information, the Clerk's Office has installed three automated case information systems.

1. The U.S. Bankruptcy Court for the Eastern District of California's Voice Case Information System, or e-CalVCIS, uses a computer-generated synthesized voice device to read case summary information directly from the court's computer in response to touch-tone telephone inquiries. E-CalVCIS is provided free of charge and may be accessed by dialing (916) 498-5583 or (916) 498-5584. Additional information concerning e-CalVCIS may be obtained at any divisional Clerk's Office, and is available on our Internet web site at www.caeb.uscourts.gov.
2. The U.S. Bankruptcy Court for the Eastern District of California's dial-in Public Access to Court Electronic Records information system, or e-CalPACER, permits the use of any terminal or computer, a modem, and communications software to dial the court's computer and access lists of newly filed cases, case summary information, and docket entries made during the past six (6) months. E-CalPACER is currently provided free of charge. In the future, e-CalPACER users may be charged \$.60 per minute for usage of electronic access to court data via dial-in service. You must have a login-id and password issued by the court to access the e-CalPACER system. Additional information concerning e-CalPACER may be obtained at any divisional Clerk's Office, and is available on our Internet web site at www.caeb.uscourts.gov.
3. The U.S. Bankruptcy Court for the Eastern District of California's Internet Public Access to Court Electronic Records information system, or e-CalWebPACER, provides public access to bankruptcy case information and imaged documents in the courts's Electronic Case Files (ECF) system on the Internet. E-CalWebPACER is currently provided free of charge. In the future, e-

CalWebPACER users may be charged \$.07 per page for usage of electronic access to court data obtained through a federal judiciary Internet web site. You must have a login-id and password issued by the court to access the e-CalWebPACER system. Additional information concerning e-CalWebPACER may be obtained at any divisional Clerk's Office, and is available on our Internet web site at **www.caeb.uscourts.gov**.

B. Obtaining Case Information By Telephoning the Clerk's Office

Basic case information that you are unable to access using an automated case information system may be obtained free of charge by calling the divisional Clerk's Office in which the case is pending during the hours indicated below.

Sacramento Division

9:00 a.m. to 4:00 p.m.
(916) 930-4400

Modesto Division

9:00 a.m. to 4:00 p.m.
(209) 521-5160

Fresno Division

9:00 a.m. to 4:00 p.m.
(559) 498-7217

As a general rule, all information other than basic case information requires a physical search of the court's records. If a physical search of the court's records is required, you must pay a \$15.00 search fee for every name or item to be searched before the Clerk's Office will provide the requested information. Requests for information subject to the search fee should be made in writing. You may, however, obtain the information free of charge in most cases by coming to the Clerk's Office and conducting your own search.

C. Obtaining Case Information By Writing the Clerk's Office

To obtain case information by mail, send a written request containing the case number, the case name, the information you request, your name, address, a telephone number where you can be reached during business hours and the best time to call, with a self-addressed, stamped envelope. Written requests for information requiring a physical search of the court's records should be accompanied by a cashier's check, certified check, or money order sufficient to cover the applicable search fee.

D. Obtaining Case Information By Visiting the Clerk's Office

As a general rule, all documents in the court's case files and all court dockets are public record and available to the public for inspection. Files and dockets may be reviewed at the Clerk's Office public counters during business hours.

Effective March 1, 1999, all new cases and, with the exception of proofs of claim, all documents filed in cases and proceedings pending on that date have been scanned into the Court's new Electronic Case Files (ECF) system. Images of these documents, as well as proofs of claim presented for filing in cases filed on or after March 1, 1999, may be viewed and printed from computer terminals located in the public and attorney service counter lobbies at all three divisional Clerk's Offices. Until such time as suitable arrangements can be worked out with

coin operated copier vendors to provide printing services, the first five pages of a print request for imaged documents will be free. Thereafter, pursuant to requirements of the U.S. Judicial Conference Fee Schedule, a fee of \$.50 per page will be charged for each printed copy.⁵ An additional fee of \$5.00 per document will be charged for certified copies. Instructions for viewing and printing document images are located at each terminal and are available 'on-line.'

Because the entire file is available to the public from Clerk's Office lobby computer terminals, **paper files for cases and proceedings filed on or after March 1, 1999, will not be routinely pulled for review.**⁶ If after reviewing the electronic file for a case you wish to see the paper files, you must complete a *File Request Card (Form EDC 207)* and the file will be made available for your review the beginning of the next business day. You must present your driver's license or other appropriate form of identification to review a paper file.

For all cases and proceedings filed prior to March 1, 1999, the Clerk's Office will pull the paper files upon request. However, if the documents you wish to review in these cases and proceedings were filed on or after March 1, 1999, they are available on the ECF system and you may find it advantageous to view them from the lobby terminals.

When reviewing hard copy (paper) files, please remember that not all documents are located in the main, or "parent," bankruptcy case file. Adversary proceedings, chapter 11 monthly operating reports, some motions for relief from automatic stay filed in chapter 11 cases, and proofs of claim filed in chapter 11 cases are kept in separate file folders. In chapter 7 and chapter 13 cases, proofs of claim are generally found on the left side of the first volume of the parent case file folder. However, due to their number, they are at times kept in separate file folders. Paper documents are placed in file folders from the bottom up in chronological order. In other words, the document initiating the case will be the one on the bottom of the first volume of the hard copy file.

UNDER NO CIRCUMSTANCES MAY YOU REMOVE FILES FROM THE FILE REVIEW AREA OR REMOVE DOCUMENTS FROM FILES. All files must be returned in proper order. The Clerk's Office is the keeper of the court's records and is responsible for maintaining their accuracy and integrity. Removal of files from the file review area, removal of documents from files or failure to return files in proper order will be deemed sufficient grounds to refuse to provide you with additional files.

⁵ Payment is due at the time documents are printed and shall be made in the form of cash, money order, cashier's check or attorney's trust account check. The Clerk's Office **will not accept personal checks or make change.** Cash payments must, therefore, equal the amount due.

⁶ In the Sacramento Division, paper files for bankruptcy cases beginning with case number 99-22717 and adversary proceedings beginning with adversary proceeding number 99-2126 will no longer be routinely pulled. In the Fresno Division, paper files for bankruptcy cases beginning with bankruptcy case number 99-11776 and adversary proceedings beginning with adversary proceeding number 99-1063 will no longer be routinely pulled. In the Modesto Division, paper files for bankruptcy cases beginning with case number 99-90861 and adversary proceedings beginning with adversary proceeding number 99-9026 will no longer be routinely pulled.

The court docket is a list of brief entries made to record the activity in a case. It contains information concerning the parties involved, filing fees paid, deadlines set, hearings held, and documents filed in the case. For each order and judgment filed, the date the order or judgment was recorded, or entered, on the docket is indicated. Documents are listed on court dockets in chronological order from the top down. The document initiating the case will be the first one listed below the names and addresses on the first page of the docket.

Electronic dockets may be viewed and printed from the computer terminals in the Clerk's Office lobby. There is a \$.50 per page charge for printed dockets. Printed dockets may be picked up at the public counter. Partial dockets may be viewed and printed by entering beginning and ending dates when requesting the docket.

Electronic dockets for cases filed prior to August 20, 1990 list only the events docketed on or after January 4, 1993. All events docketed prior to January 4, 1993 are listed on a paper, or "hard copy", docket for the case. In order to review the complete docket in one of these cases, you will need to request that it be pulled.

Due to limited storage space, closed case files and "hard copy" dockets are archived by periodically shipping them to the Federal Records Center in San Bruno, California for storage. Files and dockets stored at the Federal Records Center may be recalled to the Clerk's Office and reviewed in the Clerk's Office file review area. A \$25.00 fee will be charged for each record retrieved from the Federal Records Center by the Clerk's Office. This fee must be paid before the Clerk's Office will recall a record.

Alternatively, you may travel to the Federal Records Center in San Bruno to review the archived file or docket. All personal visits to the Federal Records Center are by appointment only. Appointments may be made by calling (650) 876-9001 between 7:15 a.m. and 3:00 p.m., Monday through Friday (except federal holidays), and must be requested at least 24 hours in advance. You must obtain the file or docket location, box, and accession numbers from the Clerk's Office and provide them to the Federal Records Center receptionist at the time you make your appointment. For more information concerning reviewing files at the Federal Records Center, please see Attachment 3, *Regional Records Services -- Pacific Region, Review of U.S. Court Records at the Office of Regional Records Services (Form EDC 2-150)*.

E. Getting Copies of Papers from Locally Stored Case Files

Open case files and recently closed case files are locally stored. Copies of papers in locally stored case files may be obtained by mail or in person at the Clerk's Office public counter. To obtain copies by mail, a written request containing the case number, the case name, the title of the documents you wish copied, your name, address, a telephone number where you can be reached during business hours and the best time to call, must be sent to the Clerk's Office with a self-addressed, stamped envelope and a cashier's check, certified check or money order for the appropriate fee payable to "Clerk, U.S. Bankruptcy Court." Unless certification is needed, a \$15.00 per name or item search fee plus a \$.50 per page photocopy fee will be

charged to obtain copies by mail. An additional fee of \$5.00 per document will be charged if certified copies are needed.

To obtain copies in person at the Clerk's Office, you may use the coin operated photocopy machines located in each divisional Clerk's Office file review area unless certified copies are needed. Copies made using the coin operated photocopy machines cost \$.20 per page in the Sacramento Division, \$.15 per page in the Fresno Division, and \$.25 per page in the Modesto Division. **DO NOT REMOVE DOCUMENTS FROM FILES TO PHOTOCOPY ---FOLD THEM OVER INSTEAD.**

The Clerk's Office will not certify copies made by you. To obtain certified copies in person, you will be charged a \$.50 per page photocopy fee plus a \$5.00 per document certification fee provided that you paper-clip together the right side of the pages you would like copied and certified. If you don't paper clip the pages together, the \$15.00 per name or item search fee, the \$.50 per page photocopy fee and the \$5.00 per document certification fee must be paid to obtain certified copies in person.

F. Getting Copies of Papers from Archived Files

Copies of papers in archived files may be obtained from the Clerk's Office in the same manner as copies of papers in locally stored case files. Unless certification is needed, a \$25.00 per record archive retrieval fee plus a \$.50 per page photocopy fee will be charged for copy work requested by mail. An additional \$5.00 per document fee will be charged for certified copies. Likewise, you may use the coin-operated, public lobby photocopy machines to copy papers in case files recalled to the Clerk's Office from the Federal Records Center unless certified copies are needed. Certified copies of documents in these files will be subject to the same \$.50 per page photocopy and \$5.00 per document certification fees as papers in locally stored cases.

Alternatively, you may obtain copies of papers in archived files by visiting the Federal Records Center in San Bruno. The cost for copy work at the Federal Records Center is \$.50 per page. An additional fee of \$10.00 per certification will be charged if certified copies are needed. You must obtain the same information concerning the file from the Clerk's Office that you would need to view the file, and contact the Federal Records Center to schedule all appointment. Please see Attachment 3, *Regional Records Services -- Pacific Region, Review of U.S. Court Records at the Office of Regional Records Services (Form EDC 2-150)*.

The Federal Records Center will also accept mail and FAX requests for photocopies of archived personal and corporate bankruptcy case files and forward the copies to the requestor via mail or FAX. You may request photocopies of the entire contents of an archived case file, a package of common documents, or specific documents listed on the docket sheet obtained from the court. Copies of papers in archived adversary proceedings may only be obtained by visiting the Federal Records Center or requesting that the Clerk's Office retrieve the file. For more information concerning requests by mail or FAX for copies of papers from personal and corporate bankruptcy case files, please see Attachment 4, *Regional Records Services -- Pacific Region, Requests By Mail or FAX, Bankruptcy Cases Only (Form EDC 2-155)*.

ATTACHMENT 1

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

FILING REQUIREMENTS

CHAPTER 7 - \$200 (\$155 Filing Fee + \$30 Administrative Fee + \$15 Trustee Fee)

	<u># OF COPIES</u>	<u>FILING DEADLINE</u>
*Voluntary Petition	Original + 4	Time of filing
*Corporate Resolution (<i>Only if debtor is a corporation</i>)	Original + 4	Time of filing
Summary of Schedules, Schedules A-J, and Declaration Concerning Debtor's Schedules	Original + 4	Within 15 days
Statement of Financial Affairs	Original + 4	Within 15 days
Attorney's Disclosure of Compensation	Original + 4	Within 15 days
Notice to Debtor Concerning Bankruptcy Petition Preparers	Original + 4	Time of filing
Bankruptcy Petition Preparer's Disclosure of Compensation	Original + 4	Within 10 days
Statement of Intention	Original + 4	Within 30 days
*Master Address List and Verification Form (<i>DO NOT attach to petition</i>)		
(1) If Master Address List is submitted on computer diskette ¹	Original + 1	Time of filing
(2) If Master Address List is submitted on hard copy (printed on paper) ² AND		
(a) The petition is filed <i>with</i> liability schedules OR	Original + 1	Time of filing
(b) The petition is filed <i>without</i> liability schedules	Original + 4	Time of filing

CHAPTER 11 - \$830 (\$800 Filing Fee + \$30 Administrative Fee)

	<u># OF COPIES</u>	<u>FILING DEADLINE</u>
*Voluntary Petition	Original + 5	Time of filing
*Exhibit A to Voluntary Petition (<i>Only if debtor is required to file periodic reports w/ Securities & Exchange Commission</i>)	Original + 5	Time of filing
*Corporate Resolution (<i>Only if debtor is a corporation</i>)	Original + 5	Time of filing
Summary of Schedules, Schedules A-J, and Declaration Concerning Debtor's Schedules	Original + 5	Within 15 days
Statement of Financial Affairs	Original + 5	Within 15 days
*List of 20 Largest Unsecured Creditors	Original + 5	Time of filing
List of Equity Security Holders (<i>Only if debtor is a corporation or partnership</i>)	Original + 5	Within 15 days
Attorney's Disclosure of Compensation	Original + 5	Within 15 days
Notice to Debtor Concerning Bankruptcy Petition Preparers	Original + 4	Time of filing
Bankruptcy Petition Preparer's Disclosure of Compensation	Original + 5	Within 10 days
*Master Address List and Verification Form (<i>DO NOT attach to petition</i>)		
(1) If Master Address List is submitted on computer diskette ¹	Original + 1	Time of filing
(2) If Master Address List submitted on hard copy (printed on paper) ² AND		
(a) The petition is filed <i>with</i> liability schedules OR	Original + 1	Time of filing
(b) The petition is filed <i>without</i> liability schedules	Original + 4	Time of filing

CHAPTER 12 - \$230 (\$200 Filing Fee + \$30 Administrative Fee)

	<u># OF COPIES</u>	<u>FILING DEADLINE</u>
*Voluntary Petition	Original + 5	Time of filing
*Corporate Resolution (<i>Only if debtor is a corporation</i>)	Original + 5	Time of filing
Summary of Schedules, Schedules A-J, and Declaration Concerning Debtor's Schedules	Original + 5	Within 15 days
Statement of Financial Affairs	Original + 5	Within 15 days
Attorney's Disclosure of Compensation	Original + 5	Within 15 days
Notice to Debtor Concerning Bankruptcy Petition Preparers	Original + 4	Time of filing
Bankruptcy Petition Preparer's Disclosure of Compensation	Original + 5	Within 10 days
*Master Address List and Verification Form (<i>DO NOT attach to petition</i>)		
(1) If Master Address List is submitted on computer diskette ¹	Original + 1	Time of filing
(2) If Master Address List is submitted on hard copy (printed on paper) ² AND		
(a) The petition is filed <i>with</i> liability schedules OR	Original + 1	Time of filing
(b) The petition is filed <i>without</i> liability schedules	Original + 4	Time of filing
Debtor's Plan (<i>DO NOT attach to petition</i>)	Original + 5	Within 90 days

CHAPTER 13 - \$185 (\$155 Filing Fee + \$30 Administrative Fee)

	<u># OF COPIES</u>	<u>FILING DEADLINE</u>
*Voluntary Petition	Original + 5	Time of filing
Summary of Schedules, Schedules A-J, and Declaration Concerning Debtor's Schedules	Original + 5	Within 15 days
Statement of Financial Affairs	Original + 5	Within 15 days
Attorney's Disclosure of Compensation	Original + 5	Within 15 days
Notice to Debtor Concerning Bankruptcy Petition Preparers	Original + 4	Time of filing
Bankruptcy Petition Preparer's Disclosure of Compensation	Original + 5	Within 10 days
*Master Address List and Verification Form (<i>DO NOT attach to petition</i>)		
(1) If Master Address List is submitted on computer diskette ¹	Original + 1	Time of filing
(2) If Master Address List is submitted on hard copy (printed on paper) ² AND		
(a) The petition is filed <i>with</i> liability schedules OR	Original + 1	Time of filing
(b) The petition is filed <i>without</i> liability schedules	Original + 4	Time of filing
Debtor's Plan (<i>DO NOT attach to petition</i>)	Original + 5	Within 15 days
Wage Order (<i>Filed with the petition in Fresno Division cases ONLY; DO NOT attach to petition</i>)	Original + 4	Within 15 days

* MINIMUM DOCUMENTS REQUIRED FOR INCOMPLETE ("SKELETON") FILING.

¹ Copies of the Verification of Master Address List form ONLY are required; copies of computer diskettes are NOT required.

² Copies of BOTH the Master Address List submitted on hard copy (printed on paper) AND the Verification of Master Address List form are required.

REQUIRED DOCUMENTS AND FEES

General Requirements of Form

All documents shall be on 8-1/2" x 11" size white paper. Originals of documents shall not be stapled or hole punched. Use binder clips to fasten original documents. Use staples to fasten copies of documents. Document copies may be hole punched. Document text shall be typewritten or presented by some other legible process on one side of each sheet only. The name, address, telephone number and California State Bar membership number of the attorney representing the debtor should appear in the petition. To assist in its identification of original documents, the Clerk's Office requests that they be signed in blue ink.

Assembly of Documents

Original petitions, exhibits, resolutions, schedules, statements and lists, as well as each set of copies, should be assembled in the order indicated on the reverse side. DO NOT attach the Master Address List, Verification of Master Address List Form, Debtor's Plan, or Chapter 13 Wage Order to the petition.

Number of Copies

The number of copies indicated on the front includes one copy which will be conformed and returned to the filing party. Conformed copies will be returned by mail only when a self-addressed, stamped envelope of sufficient size is included.

Filing Fee

Fees for filing bankruptcy cases are prescribed by 28 U.S.C. §1930(a). Individual debtors may apply for permission to pay fees in installments by submitting a signed application with the petition. FRBP 1006(b).

Administrative Fee

Pursuant to item 8 of the Judicial Conference Schedule of Bankruptcy Court Fees, in all cases filed under the Bankruptcy Code, the Clerk shall collect from the debtor or petitioner a \$30 miscellaneous administrative fee. Individual debtors may apply to pay this fee in installments in the manner set forth in FRBP 1006(b).

Trustee Fee

Pursuant to item 8.1 of the Judicial Conference Schedule of Bankruptcy Court Fees, upon the filing of a petition under chapter 7 on or after October 22, 1995, the petitioner shall pay \$15 to the Clerk for payment to the trustee serving in the case. Individual debtors may apply to pay this fee in installments in the manner set forth in FRBP 1006(b).

Fee Payments

Filing fees, miscellaneous administrative fees and chapter 7 trustee fees must be paid with cash, money order, cashier's check, or an attorney's check. All money orders and checks shall be made payable to: Clerk, U.S. Bankruptcy Court.

Master Address List and Verification Form

A Master Address List prepared in strict compliance with instructions of the Clerk shall be submitted with every petition presented for filing. LBR 1007-1(b).

Debtors represented by legal counsel, or whose petitions are prepared by a bankruptcy petition preparer, must submit an electronic Master Address List on computer diskette and a Verification of Master Address List form, EDC 2-100. All other debtors must submit either an electronic Master Address List on diskette or a hard copy Master Address List printed on paper, and a Verification of Master Address List form. For instructions concerning the preparation of Master Address Lists, see forms EDC 2-190 and EDC 2-195.

If the debtor submits a hard copy Master Address List and the petition is filed without schedules of liabilities, an original plus the indicated number of copies of the hard copy list and the verification form are required to comply with FRBP 1007(a). If the debtor submits an electronic Master Address List on diskette, the original plus one copy of the verification form are required, together with the diskette, regardless of whether the petition is filed with schedules of liabilities.

Notice to Debtor Concerning Bankruptcy Petition Preparers

Notice to Debtor Concerning Bankruptcy Petition Preparers must be submitted with every petition prepared by a "bankruptcy petition preparer." See *Guidelines Pertaining to Bankruptcy Petition Preparers in Eastern District of California Cases*.

A bankruptcy petition preparer is defined as a person other than an attorney or an employee of an attorney, who prepares for compensation a document for filing. 11 U.S.C. §110(a)(1).

Voluntary Petition

Official Form 1, the Voluntary Petition, is to be used to commence voluntary cases under chapters 7, 11, 12, and 13 of the Bankruptcy Code.

Summary of Schedules, Schedules A-J, and Declaration Concerning Debtor's Schedules

A summary of schedules, schedules of assets, liabilities, current income, current expenditures, executory contracts and unexpired leases, and a declaration concerning debtor's schedules, prepared as prescribed by Official Form 6, must be submitted with the petition or within 15 days. FRBP 1007(b)(1) & (c). Creditors shall be listed on the appropriate schedule in alphabetical order by name and complete address. LBR 1007-1(a).

Statement of Financial Affairs

A Statement of Financial Affairs must be prepared as prescribed by Official Form 7, and submitted with the petition or within 15 days. FRBP 1007(b)(1) & (c).

Attorney's Disclosure of Compensation

A statement disclosing the compensation paid or to be paid to the debtor's attorney must be submitted within 15 days of the filing of a voluntary petition. 11 U.S.C. §329 and FRBP 2016(b).

Bankruptcy Petition Preparer's Disclosure of Compensation

A statement disclosing the compensation paid or to be paid to a bankruptcy petition preparer must be submitted by the bankruptcy petition preparer within 10 days of the filing of a voluntary petition. 11 U.S.C. §110(h)(1).

Statement of Intention

A Statement of Intention is required only if the debtor is an individual and the schedules of assets and liabilities contain consumer debts secured by property of the estate. It must be prepared as prescribed by Official Form 8, and submitted within 30 days of the filing of a petition under chapter 7, or by the date set for the meeting of creditors, whichever is earlier. 11 U.S.C. §521(2) and FRBP 1007(b)(2).

List of 20 Largest Unsecured Creditors

A list containing the names, addresses and claim amounts of the debtor's 20 largest unsecured creditors, excluding insiders, must be filed with the petition and prepared as prescribed by Official Form 4. FRBP 1007(d).

List of Equity Security Holders

A List of Equity Security Holders must be submitted with the petition or within 15 days. FRBP 1007(a)(3).

Chapter 12 Debtor's Plan

A Chapter 12 Debtor's Plan must be submitted with the petition or within 90 days. 11 U.S.C. §1221 and FRBP 3015(a).

Chapter 13 Debtor's Plan

A Chapter 13 Debtor's Plan must be submitted with the petition or within 15 days. FRBP 3015(b). A standard form chapter 13 plan has been prescribed for use in the Sacramento and Modesto Divisions only by General Order 00-2.

Chapter 13 Wage Order

In Fresno Division cases, a Wage Order must be submitted with the petition or within 15 days. In Sacramento and Modesto Division cases, the Wage Order shall be submitted to the Chapter 13 trustee at the meeting of creditors.

ATTACHMENT 2

**OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

REVISED GUIDELINES FOR PREPARATION OF MASTER ADDRESS LISTS

Revised August 17, 1999 ¹

The following guidelines have been approved by the Court and are issued pursuant to Local Bankruptcy Rule 1007-1(b) as the instructions of the Clerk with respect to the preparation and submission of Master Address Lists. They reflect technological improvements within the Clerk's Office and supersede Eastern District of California forms EDC 2-185, *Format for Preparing Creditor Matrix (Rev. 5/95)*, and EDC 2-580, *Notice to Chapter 11 Debtor and Debtor's Attorney Concerning Submission of Computer Readable Floppy Diskette with Master Address List (Rev. 1/96)*.

Pursuant to Local Bankruptcy Rule 1007-1(b), a Master Address List which includes the names, addresses, and zip codes of all the debtor's known creditors must be submitted concurrently with every petition presented for filing.

1. Name and Address Standards

The following standards apply to all names and addresses included in a Master Address List.

- a. All names and addresses must be complete and accurate. The Clerk shall strike from the List any name for which a complete address is not supplied. ***Notices shall not be sent by the Clerk to any entity stricken from the list until a complete address is supplied.***
- b. When listing creditors in care of an attorney, always put the creditor's name on line 1 and the attorney's name on line 2. For example:

CORRECT
ABC Supply Company
c/o Debra Jones, Attorney

NOT

INCORRECT
Debra Jones
Attorney for ABC Supply Company

- c. Do not include the debtor, joint debtor, attorney(s) for the debtor(s), case trustee, or United States Trustee on the Master Mailing List. These parties will be entered by the Clerk's Office at the time of case opening.
- d. Creditors shall be listed ONLY ONCE, even if they have more than one account with, or claim against, the debtor.

¹ Changes are denoted by a vertical line in the left margin.

- e. Each name and address must consist of at least two but not more than five lines, each forty characters, or less, in length. For example:

Line 1: xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Line 2: xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Line 3: xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Line 4: xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Line 5: City, State ZIP or ZIP + 4

- f. Account numbers, "care of," and "attention" designations may be included *ONLY on the second line of the name and address*, as long as the complete name and address "block" consists of no more than five lines.
- g. No personal forms of address, titles, indefinite articles, or definite articles should precede the name. Personal forms of address and titles may be used after the name, *but only as necessary to specifically identify someone*.
- h. Names of individuals must appear in the following order: first name, middle name or initial, last name.
- i. Creditors must be listed alphabetically, according to the first letter of the company name or first name.
- j. Only postal standard abbreviations, as directed by the United States Postal Service in the publication *Postal Addressing Standards*, shall be used in addresses. The name of the state must be abbreviated using the upper-case, two-letter state identifier prescribed by the United States Postal Service (e.g. CA **not** Ca, Ca., Calif, or Calif.). *City names less than 15 characters in length shall not be abbreviated*.
- k. The use of ZIP codes is **MANDATORY**. All domestic addresses must include, at a minimum, the correct five digit ZIP code. Domestic addresses which do not include a ZIP code will be treated as incomplete and stricken from the List (*see item 1(a), above*). All ZIP code extensions must follow a hyphen and shall consist of four digits (for example, 97204-0012 **NOT** 97204-12 or 972040012). **DO NOT** use the ZIP code extension "0000" unless it is valid for the creditor.
- l. For domestic mail, the last line of every address **MUST** contain EACH of the following items **IN THIS ORDER**: the city, the two character state abbreviation **WITHOUT** periods **BUT** in **ALL CAPITAL LETTERS** and, **AT THE END**, the ZIP code. **DO NOT** include any information for the creditor below the city, state, and ZIP.
- m. All foreign addresses shall include the **COMPLETE** name of the country to which the mail

- will be sent. Country names **SHALL NOT** be abbreviated.
- n. Except for hyphens in nine digit zip codes, no special characters (such as \$, !, ", *, -, &, and %) shall be included in names or addresses.
 - o. Because characters are literally interpreted, the letter "l" shall not be used as a substitute for the number one (1), and slashes (/) shall not be placed through zeros.
 - p. Lists shall be prepared in Courier 10 cpi (same as 12 point on a word processor). Proportionally spaced fonts and exotic font styles, such as italics and script, may be electronically unreadable and shall not be used.
 - q. Like correspondence, names and addresses shall be typed in both upper and lower case letters. Except to abbreviate the name of the state, all upper case, or capital, letters shall not be used.
 - r. Lists shall be typed in a single *aligned* column.
 - s. There must be at least two blank lines between one entity's name and address and another's. Do not leave blank lines within an address or between an entity's name and address.

2. **Instructions For Submission of Master Address Lists On Diskette**

- a. Debtors whose petitions are prepared by an attorney or by a bankruptcy petition preparer as defined in 11 U.S.C. §110(a)(1) shall file an electronic Master Address List, prepared in strict compliance with the requirements set forth in form EDC 2-195, *Revised Diskette Master Mailing List Specifications*. In all other cases, debtors shall file ***EITHER*** an electronic Master Address List, prepared in strict compliance with the requirements set forth in form EDC 2-195, *Revised Diskette Master Mailing List Specifications*, ***OR*** a Master Address List on hard copy, prepared in strict compliance with the requirements set forth below in section 3, *Instructions For Submission of Master Address Lists on Hard Copy*.
- b. To help attorneys and petition preparers comply with this requirement, the court's automation staff has written a program to create an electronic Master Address List on diskette. A copy of the program will be provided free to users supplying a blank, formatted, high density 3½ inch diskette.
- c. Attorneys and petition preparers who do not currently possess the office automation equipment necessary to comply with this requirement may request a waiver. Such requests shall be made in writing at the time the paper list is submitted for filing with the court. A *separate request for waiver must be made for each case presented without a list on diskette. Blanket waivers will NOT be granted.* Those who regularly file bankruptcy

petitions in this district will be expected to obtain the necessary equipment, or find alternate means of producing the list on diskette, within a reasonable period of time.

3. **Instructions For Submission of Master Address Lists On Hard Copy**

A Master Address List on hard copy, prepared for electronic character recognition and in strict compliance with the following guidelines and format requirements, shall accompany every petition submitted for filing without a Master Address List on diskette.

- a. The hard-copy list shall be printed in black, on white 8½ inch x 11 inch bond or copy-paper.
- b. The type must be of high quality. Poor quality type from a dot matrix printer, photocopy or carbon, exhausted typewriter ribbon, or fabric typewriter ribbon are electronically unreadable and must not be used.
- c. The hard-copy list shall contain no handwriting, stray marks, correction fluid or tape.
- d. Names and addresses on hard-copy lists must appear on one side of each page only.
- e. The debtor's name, the particular page number, and the total number pages (for example, *Smith Pg. 1 of 2*), must be typed within the top one-half inch on the front, or anywhere on the back, of each page of the hard-copy list.
- f. The first name and address on a hard-copy list may not be closer than one and one-half inches from top of the page and none of the names and addresses on the hard-copy list shall contain letters that are closer than one-half inch from the left side, right side, or bottom of the page.
- g. The hard-copy Master Address List must be submitted as a ***CLEAN, TOTALLY SEPARATE*** document. Any marks (including letterhead, dates, names, page numbers, coffee stains, handwriting or multiple columns) below the top one-half inch of a page must be avoided as they may cause the entry of incorrect data.
- h. ***DO NOT STAPLE TOGETHER OR TWO-HOLE PUNCH PAGES OF THE ORIGINAL HARD-COPY MASTER ADDRESS LIST.*** Pages of copies should be stapled together and may be two-hole punched.

4. **Accuracy and Verification of Master Address Lists**

- a. The accuracy and completeness of the Master Address List is the shared responsibility of the debtor(s) and the debtor's(s') attorney or bankruptcy petition preparer, if any. The Clerk's Office shall not be required to compare the names and addresses shown on the

Master Address List with those on the schedules or amendments thereto *provided*, however, that the Clerk shall add to the list any unlisted creditors or parties-in-interest who have filed proofs or claim, or written requests for notice. The debtor(s) shall notify the Clerk's Office promptly of any corrections or changes to the Master Address List.

- b. Every Master Address List shall be accompanied by a verification by the debtor(s), stating that the Master Address List is a true, correct, and complete listing to the best of the debtor's(s') knowledge and belief.

5. Addition of Creditors to Master Address Lists

A supplemental Master Address List on hard copy shall be filed with any schedule or amendment that adds creditors or interested parties. When adding 50 or more creditors and/or parties, debtors whose schedules or amendments are prepared by an attorney or a bankruptcy petition preparer as defined in 11 U.S.C. § 110(a)(1), shall additionally file a supplemental Master Address List on diskette that is identical to the supplemental hard copy or paper list. Supplemental hard copy and electronic lists shall contain only the names and addresses of the creditors and/or parties added, and must be prepared in strict compliance with these guidelines.

6. Compliance

Any Master Address List that fails to strictly comply with these guidelines shall be amended. Additionally, failure to submit a Master Address List concurrently with a petition may result in dismissal or conversion of the debtor's(s') case, or the imposing of sanctions against the debtor(s), debtor's(s') attorney, and/or bankruptcy petition preparer.

**OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

REVISED DISKETTE MASTER ADDRESS LIST SPECIFICATIONS
Effective December 16, 1998 ¹

To ensure their compatibility with the court's BANCAP case processing system, Master Address Lists on diskettes must be prepared according to the following specifications.

1. *Diskette Size and Density*

- a. Master Address List files may be submitted on either 3½ inch or 5¼ inch diskettes through December 31, 1998. As of January 4, 1999, however, the Clerk's Office will no longer accept 5¼ inch diskettes and all electronic Master Address List files must be submitted on 3½ inch diskettes ONLY.
- b. Diskettes must be high density (1.44MB for 3½ inch diskettes; 1.2MB for 5¼ inch diskettes) and in an MS-DOS/Windows compatible format.

2. *File Requirements*

- a. A separate diskette containing a single Master Address List file shall be submitted for each case.
- b. The file must be in "pure text" format. ***Word processing formats of any kind are unacceptable, as are archived, compressed, DOS backup, or PKZIP formats.*** See item 4, *Creating the File and Saving It On A Diskette*, below, or consult the documentation that came with your particular software.
- c. The file must be located in the diskette's root directory and named ***CREDITOR.SCN.***²
- d. ***There must be no hidden spaces after the last printable character on each line.*** If a nine digit zip code is used, it must appear in the format xxxxx-xxxx and include the hyphen. No punctuation or spaces are permitted after the zip code.

¹ Changes are denoted by a vertical line in the left margin.

² When Master Address Lists are saved in ASCII format using Windows 95 or a later version of Windows, the file name may automatically include an additional ".txt" ending, regardless of the software/word processing program used. Files saved as ***CREDITOR.SCN.txt*** must be renamed ***CREDITOR.SCN***. To rename the file, click on the **Start** button in the bottom left-hand corner of your desktop. Click on **Programs** and select **Windows** (or **Windows NT**) **Explorer**. Double click on **3½ Floppy (A:)** located just beneath **My Computer**. All of the files on your diskette will appear on the right-hand portion of your screen. At this point, you should insure that ***CREDITOR.SCN.txt*** is the only file on the diskette. Click on ***CREDITOR.SCN.txt*** once, using the right mouse button. Then, click on **Rename**. The name of the file will be highlighted. Type ***CREDITOR.SCN*** in place of ***CREDITOR.SCN.txt*** and press the **Enter** key. A message box may appear, informing you that "[i]f a file name extension is changed, the file may become unusable. Are you sure you want to change it?" Respond by clicking on the **YES** button.

3. *File Content and Creditor Format*

- a. The file shall contain a list of creditor names and addresses, prepared in strict compliance with the *Name and Address Standards* set forth in form EDC 2-190, *Revised Guidelines For Preparation of Master Address Lists*.
- b. If the case number is known when the file is generated, it should appear on the first line of the file. Three asterisks should immediately precede the seven digit case number, and another three asterisks should immediately follow it. There should be no spaces, hyphens, or other special characters between the asterisks and the numbers, or at the beginning or end of the case number (Example: ***9523456*** NOT ***95-23456***). There should be six blank lines between the case number and the first name and address.

4. *Creating the File and Saving It On A Diskette*

- a. The file must be created using a computer program capable of producing an ASCII or DOS text file. If the Master Address List is prepared in a word processor, it should be exported to the appropriate format before the diskette copy is created. Text editors such as DOS Editor (EDIT), word processing programs such as *WordPerfect*³ and *Microsoft Word*, and most database management packages are capable of producing the required output. Since procedures vary with each program, consult the user information that accompanied your software.
- b. The file must be saved in the **root directory** of the diskette in a **“pure text”** format (not delimited), such as MS-DOS Text or ASCII (DOS) Text. **MASTERADDRESS LISTS SAVED ON DISKETTE IN A WORD PROCESSING “DOCUMENT” FORMAT, A DELIMITED TEXT FORMAT, OR A GENERIC WORD PROCESSOR TEXT FORMAT CANNOT BE READ BY THE COURT’S BANCAP CASE PROCESSING SYSTEM.**

5. *Labeling Diskettes*

- a. Diskettes must be labeled with the name, address, and telephone number of the submitting party, the debtor's full name, the number of creditors included in the file, and the case number, if known.

³ For example, after typing a Master Address List in Corel WordPerfect8 for Windows, place a formatted diskette in the floppy drive and click on **File** on the menu bar. Click on the **Save As...** menu option. When the **Save As** dialog box appears, the **File name** will be highlighted. If your floppy drive is designated drive A:, type **A:\CREDITOR.SCN**; if your floppy drive is designated drive B, type **B:\CREDITOR.SCN**. Below **File name**, there is a selection called **File type**. Click on the down arrow at the right and scroll through the list of available file types until you find **ASCII DOS Text**. Click **ASCII DOS Text**, NOT on *ASCII DOS Delimited Text* or *ASCII DOS Generic Word Processor Text*. Then click on the **Save** button in the lower right area of the dialog box to save the file to diskette in ASCII DOS text. If you are using Windows 95 or a later version of Windows, you may have to rename the file. See footnote 1.

- b. Do not write on a diskette label with ballpoint pen. Use a felt-tip pen or write lightly in pencil.

6. *Caring For Diskettes*

- a. Do not use paper clips or rubber bands to attach the diskette to the petition or other documents.
- b. Avoid all magnetic fields. Remember, magnets show up in unexpected places, such as paper clip dispensers, note holders, and telephone receivers.
- c. Keep diskettes dry and free of dust or other contaminants.

7. *Return Of Diskettes*

Diskettes shall be returned to the filing party, together with their conformed copies of documents.

8. *Packaging Diskettes For Mail Submission*

- a. Mark prominently on the outside of the envelope "*MAGNETIC MEDIA -- DO NOT X-RAY.*"
- b. If the contents of the envelope are sufficiently bulky (in other words, if the stuffed envelope is stiff enough not to bend when held horizontally by the short edge), simply place the diskette in the middle of the paperwork. If not, reinforce the envelope by enclosing a sheet of cardboard, or use a diskette mailer.

ATTACHMENT 3

Regional Records Services --- Pacific Region

1000 Commodore Drive, San Bruno, California 94066-2350

REVIEW OF U.S. COURT RECORDS AT THE OFFICE OF REGIONAL RECORDS SERVICES

Please read these instructions CAREFULLY and follow the steps below to schedule an appointment to review bankruptcy, criminal or civil court records at the National Archives and Records Administration Office of Regional Records Services in San Bruno, California. Directions to the Records Center are on the reverse of this form.

Records may be reviewed BY APPOINTMENT ONLY. The Records Center provides on-site photocopying and certification services for a fee. Original records MAY NOT be removed from the Records Center. *If you wish to obtain copies by mail or FAX, please call (650) 876-9181 for available services and fee information.*

To serve you efficiently, you must provide some basic items of information to the Records Center. This information is available only from the court where the case was filed and closed. By following the steps below, you will save time and avoid inconvenience.

STEP 1: OBTAIN CASE INFORMATION

For each case, obtain the following information *from the court where the case was filed and closed.*¹
Your request can not be serviced without all of this information.

FRC ACCESSION NUMBER 021-	AGENCY BOX NUMBER	FRC LOCATION NUMBER
CASE FILE NUMBER	CASE FILE NAME	

STEP 2: CALL FOR AN APPOINTMENT

Telephone (650) 876-9001 between 7:15A.M. and 3:00 p.m., Monday through Friday (except federal holidays) and tell the receptionist you wish to schedule an appointment to review a U.S. Court record. You will have to provide the following information:

- < The case information obtained in STEP 1; and
- < Your name and daytime telephone number.

Do not travel to the Records Center without scheduling an appointment because the case file(s) you wish to review will not be available. You must allow at least 24 hours for an appointment. Prior to arrival for your appointment, you must call to confirm that your case is available. The case file may be charged back to the court, or the information you provided may have been incorrect.

STEP 3: ARRIVE AT THE APPOINTED TIME

Once at the Records Center, you may review the case file and obtain photocopies of selected documents. Regulations for the public use of records in or held by the National Archives and Records Administration are available from the receptionist.

Records Center personnel can not provide you with legal advice or technical information regarding file

¹ To obtain information for Eastern District of California bankruptcy cases filed and closed in the Sacramento Division, call (916) 930-4400; to obtain information for cases filed and closed in the Fresno Division, call (559) 498-7217; and to obtain information for cases filed and closed in the Modesto Division, call (209) 521-5160.

contents or court actions. Questions concerning file content should be directed to the court where the case was filed and closed.

STEP 4: **OBTAIN PHOTOCOPIES OF DOCUMENTS** *(If you wish to obtain copies by mail or FAX, please call (650) 876-9181 for available services and fee information.)*

You must identify the pages you wish to have copied. Records Center personnel are not trained in court procedures and can only provide limited assistance in identifying the specific documents you require. If assistance is needed, you should contact your legal advisor before visiting the Records Center.

Photocopies of selected documents will be made by Records Center staff at a cost of \$0.50 per page. You may have your photocopies certified for an additional \$10.00 per certification. Documents can not be certified once they have been removed from the premises.

Fees are due at the time copies are made. The Records Center accepts cash, money orders, personal pre-printed checks (with proper identification), VISA, MASTERCARD, AMERICAN EXPRESS and DISCOVER/NOVUS credit cards. Checks and money orders must be made payable to the **NATIONAL ARCHIVES TRUST FUND (NATF)**.

TRAVEL DIRECTIONS

The National Archives and Records Administration Office of Regional Records Services is located approximately 12 miles south of San Francisco at 1000 Commodore Drive in San Bruno, California.

FROM SAN FRANCISCO: Proceed south on Highway 101 and exit at San Bruno Avenue West. Drive west for two miles, crossing El Camino Real, to Cherry Avenue. Turn right on Cherry and go north three blocks. Just past the I-380 overpass, turn right on Commodore Drive. The Records Center is two blocks down on the left, just after a school.

OR

Proceed south on I-280, exiting at Sneath Lane. Go east on Sneath to the second traffic light. Turn right on Cherry Avenue, then left on Commodore Drive for two blocks.

FROM THE SOUTH: Exit Highway 101 at San Bruno Avenue and proceed west for two mile, crossing El Camino Real to Cherry Avenue. Turn right on Cherry and go north six blocks. Just past the I-380 overpass, turn right on Commodore Drive. The Records Center is two blocks down on the left, just after a school.

OR

Exit I-280 at San Bruno Avenue, proceeding east for two blocks. Turn left on Cherry Avenue and go north six blocks. Just past the I-380 overpass, turn right on Commodore Drive. The Records Center is two blocks down on the left, just after a school.

ATTACHMENT 4

Regional Records Services --- Pacific Region

1000 Commodore Drive, San Bruno, California 94066-2350

REQUESTS BY MAIL OR FAX BANKRUPTCY CASE FILES ONLY

The Office of Regional Records Services in San Bruno, California, accepts mail/FAX requests for photocopies of personal and corporate bankruptcy case files and forwards the photocopies to the requestor via U.S. Postal Service (USPS) or FAX. Requestors may obtain photocopies of either the ENTIRE CONTENTS of a case file, the PACKAGE of common documents, or specific REQUESTED DOCUMENTS from the docket sheet.

Please follow the steps below to obtain certified or uncertified copies of bankruptcy case files:

STEP 1. For each case, obtain the following information *from the court where the case was filed and closed.*¹
PLEASE USE ONE FORM PER CASE.

FRC ACCESSION NUMBER 021-	AGENCY BOX NUMBER	FRC LOCATION NUMBER
CASE FILE NAME		CASE FILE NUMBER

STEP 2. Identify whether you want the **ENTIRE CONTENTS** of a case file, the **PACKAGE** of common documents, or specific **REQUESTED DOCUMENTS** off the docket (please check ONE):

- ☐ The **ENTIRE CONTENTS** of the case file. This option includes ALL of the documents in the requested case file and costs \$35.00 for the first 100 pages and \$.50 per page thereafter, not to exceed 200 pages total.
- ☐ The **PACKAGE** containing commonly requested documents. This option includes the documents listed below ONLY. All questions concerning file contents should be directed to the appropriate Bankruptcy Court. The total cost of the PACKAGE is \$10.00.
 - * Either of the following: Order of Discharge, Order of Dismissal, or Final Decree
 - * Attached Mailing List of Creditors (NOT SCHEDULES)
- ☐ **REQUESTED DOCUMENTS** from the docket sheet. This option includes specific documents highlighted or otherwise clearly marked on a copy of the docket obtained from the court. All questions concerning file contents should be directed to the appropriate Bankruptcy Court. The **total** cost of the REQUESTED DOCUMENTS is \$35.00 for the first 100 pages and \$.50 per page thereafter, not to exceed 200 pages total.
- ☐ Check the box to the left if you would like to have your photocopies **CERTIFIED**. Certification is a verification of true, legal copies and costs an additional \$10.00.
- ☐ Check the box to the left if you would like to have your photocopies returned via **FAX**. The Office of Regional Records Services will ONLY return the first 100 pages of your request via FAX. Photocopies in excess of 100 pages will be returned via mail.

FOR REGIONAL RECORDS SERVICES USE ONLY

SEARCHER'S INITIALS	DATE OF SEARCH	SEARCHER'S REMARKS
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¹ For information concerning Eastern District of California bankruptcy cases filed and closed in the Sacramento Division, call (916) 930-4400. For information concerning cases filed and closed in the Fresno Division, call (559) 498-7217; and for information concerning cases filed and closed in the Modesto Division, call (209) 521-5160.

STEP 3. Print your name, mailing address **AND** daytime telephone number below.

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Telephone No.: (____) _____ FAX No.: (____) _____

STEP 4. PAYMENT MAY BE IN THE FORM OF A MONEY ORDER, PERSONAL PRE-PRINTED CHECK, VISA, MASTERCARD, AMERICAN EXPRESS, OR DISCOVER/NOVUS.

SUMMARY OF CHARGES

ENTIRE CONTENTS:	\$35.00 up to 100 pages \$.50 per page thereafter - 200 pages maximum (If over 100 pages, we will contact you for the additional fee.)
PACKAGE:	\$10.00
REQUESTED DOCUMENTS:	\$35.00 up to 100 pages \$.50 per page thereafter - 200 pages maximum (If over 100 pages, we will contact you for the additional fee.)
CERTIFICATION:	\$10.00 in addition to the above charges (Certification not available with FAX service.)

Make checks or money orders payable to: **NATIONAL ARCHIVES TRUST FUND (NATF)**

If charging this purchase to your credit card, enter the account number, the expiration date AND your signature below.

CREDIT CARD # _____ Exp. Date: ____/____/____

SIGNATURE: _____

STEP 5. Mail payment and this completed form to: OFFICE OF REGIONAL RECORDS SERVICES
ATTN: COPY REQUEST
1000 COMMODORE DRIVE
SAN BRUNO, CA 94066-2350

OR FAX this completed form to (650) 876-9496 if paying by credit card..

******Requests for documents will not be taken by phone.******

Requests will normally be processed (file retrieved, documents identified, copies made, and placed in outgoing mail) within three (3) business days of receipt at the Records Center.

YOUR REQUEST, AND ANY FEES SUBMITTED, WILL BE RETURNED TO YOU IF:

- The information supplied in STEP 1 is incorrect or incomplete.
- The name on the case file does not match the name requested.
- You fail to enclose a check or money order **OR** if the amount is incorrect.
- Authorization cannot be obtained for the credit card number you supplied.
- Clearly marked docket sheet for *Requested Documents* not received.
- Federal agency requests are submitted without proper fees.

For further information call (650) 876-9181 (Monday through Friday, 7:00 a.m. to 3:00 p.m.)